

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 20, 28 and 29 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 1-29 are now pending in this application. Claims 1, 20, 28, and 29 are independent. Claims 2-19 depend from independent Claim 1. Claims 21-27 depend from independent Claim 20.

**Claim Rejection – 35 U.S.C. § 102(b)**

In Section 2 of the Office Action, the Examiner rejected Claims 1-2, 4-6, 8-25, and 28-29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,002,336 (“Feher”). The Examiner stated, in part, that “Feher shows a ventilated seat assembly for use with an air mover comprising . . . an air-permeable decorative exterior trim cover (50); a bag (32, 34, 42, 44) including an air-impermeable top (44), and air-impermeable bottom (32), and an opening (54) configured to be coupled to an air mover, the bag top including a plurality of holes (46) arranged and sized to provide air movement through the bag.” The Examiner also stated that “Feher shows that the top of the bag comprises an inner resin in permeable film layer (42) and an outer of covering of an elastomer (foam) (44).”

Feher does not identically disclose each of the elements recited in independent Claims 1, 20, 28, and 29, as amended. As amended, independent Claim 1 recites a “ventilated seat assembly” including “a bag including an air-impermeable top, an air-impermeable bottom operatively sealed to the air impermeable top, and an opening configured to be coupled to an air mover, the bag top including a plurality of holes arranged and sized to provide air movement through the bag only through the plurality of holes.”

As amended, independent Claim 20 recites a "ventilated seat assembly" including "an air-impermeable bag having an air-impermeable top, an air-impermeable bottom, and an opening configured to be coupled to an air mover, the top including a plurality of holes arranged and sized to provide air movement through the bag."

As amended, independent Claim 28 recites a "ventilated seat assembly" including "an air-impermeable bag including an air-impermeable top, an air-impermeable bottom, and an opening configured to be coupled to an air mover, the bag top including a plurality of holes, some of the holes being located nearer the bag opening than other holes and each hole having a cross-sectional area."

As amended, independent Claim 29 recites a "ventilated seat assembly" including "an air-impermeable bag including an air-impermeable top, an air-impermeable bottom, and an opening configured to be coupled to an air mover, the bag top including a first region a first distance from the opening and a second region a second distance from the opening, the first region and the second region having substantially the same area, the first region including a first set of holes having a first total cross-sectional area, and the second region including a second set of holes having a second total cross-sectional area."

Feher discloses that a "seat 22 includes a flexible and imperforate lower sheet 32 over which a fabric, or other generally aesthetically pleasing outer surface covering 34 may be formed. Since the cooling/heating effect is not required on the seat lowermost and backrest outer surfaces, the sheet 32 and covering 34 should be impervious to air passage and preferably be a relatively poor heat conductor." Col. 3, lines 37-44. Feher further discloses that a plurality of metal wire spring coils 36 "rest on the upper surface of the flexible sheet 32." Col. 3, lines 50-52. Feher further discloses "[a] metal and/or plastic *mesh layer* 42 completely covers the upper surface of the coils 36 and 38" and that "[o]utwardly or above the mesh layer 42 is a sheet 44 of an elastomer having exceptional force, vibration and shock absorbing properties and including a plurality of openings 46 extending completely the material (FIG. 4)." Col. 3, lines 61-66 (emphasis added). "An uppermost layer 50 made of any *air permeable fabric* or other suitable convection diffusion material, including perforated leather, covers the elastomer sheet 44." Col. 4, lines 21-24 (emphasis added).

As recited above, Feher discloses that layer 42 (a metal and/or plastic mesh layer) and layer 50 (an air permeable fabric) are air-permeable. As shown in Figure 6, the fact that layers 42 and 50 are air-permeable means that air may pass through the sides of seat 22 as well as through the top of seat 22 (through layer 44). Accordingly, any bag that may be formed from some combination of layers 32, 34, 42, 44, and 50 is not an “air-impermeable bag” as recited in independent Claims 20, 28, and 30. Moreover, any such bag would not include “an air-impermeable top, [and] an air-impermeable bottom operatively sealed to the air impermeable top” as recited in independent Claim 1. Further, because the air in seat 22 of Feher may pass through the side of seat 22 (through air-permeable layers 42 and 50), Feher does not include a “bag top including a plurality of holes arranged and sized to provide air movement through the bag only through the plurality of holes” as recited in independent Claim 1.

Accordingly, for the reasons stated above, independent Claim 1 (and corresponding dependent Claims 2, 4-6, and 8-19), independent Claim 20 (and corresponding dependent Claims 21-25), independent Claim 28, and independent Claim 29 are not anticipated under 35 U.S.C. § 102(b) and are presented for reconsideration and allowance.

#### Claim Rejection – 35 U.S.C. § 103

In Section 4 of the Office action, the Examiner rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Feher in view of U.S. Patent No. 6,511,125 (“Gendron”). The Examiner stated that “Feher shows all of the teachings of the claimed invention except the use of a spacer comprising upper and lower layers adjacent the respective top and bottom of the bag.”

Claim 3 depends from independent Claim 1. As discussed above, Feher fails to disclose, teach, or suggest all the limitations of Claim 1, as amended. Accordingly, Feher fails to disclose, teach, or suggest all the limitations of dependent Claim 3. Gendron does not overcome the deficiencies of Feher. Neither Feher nor Gendron, alone or in any proper combination disclose teach or suggest a “ventilated seat assembly” including “a bag including an air-impermeable top, an air-impermeable bottom operatively sealed to the air impermeable

top, and an opening configured to be coupled to an air mover, the bag top including a plurality of holes arranged and sized to provide air movement through the bag only through the plurality of holes” as recited in independent Claim 1, as amended. Accordingly, Claim 3 is not unpatentable under 35 U.S.C. § 103(a) and is presented for reconsideration and allowance.

In Section 5 of the Office action, the Examiner rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Feher in view of U.S. Patent No. 4,946,220 (“Wyon et al.”). The Examiner stated that “Feher shows all of the teachings of the claimed invention except the use of an electrical heater between the exterior trim cover and top of the bag.”

Claim 7 depends from independent Claim 1. As discussed above, Feher fails to disclose, teach, or suggest all the limitations of Claim 1, as amended. Accordingly, Feher fails to disclose, teach, or suggest all the limitations of dependent Claim 7. Wyon et al. does not overcome the deficiencies of Feher. Neither Feher nor Wyon et al., alone or in any proper combination disclose teach or suggest a “ventilated seat assembly” including “a bag including an air-impermeable top, an air-impermeable bottom operatively sealed to the air impermeable top, and an opening configured to be coupled to an air mover, the bag top including a plurality of holes arranged and sized to provide air movement through the bag only through the plurality of holes” as recited in independent Claim 1, as amended. Accordingly, Claim 7 is not unpatentable under 35 U.S.C. § 103(a) and is presented for reconsideration and allowance.

In Section 6 of the Office action, the Examiner rejected Claims 26-27 under 35 U.S.C. § 103(a) as being unpatentable over Feher. The Examiner stated that “Feher shows all of the teachings of the claimed invention except a change in size of holes from the first group of holes nearer the opening and a second group further away from the opening. It would have been an obvious matter of design choice to modify the size of the holes since it has been held that a mere change in size is of ordinary skill in the art.”

Claims 26-27 depend from independent Claim 20. As discussed above, Feher fails to disclose, teach, or suggest all the limitations of Claim 20, as amended. Accordingly, Feher

fails to disclose, teach, or suggest all the limitations of dependent Claims 26-27. Accordingly, Claims 26-27 are not unpatentable under 35 U.S.C. § 103(a) and are presented for reconsideration and allowance.

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Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

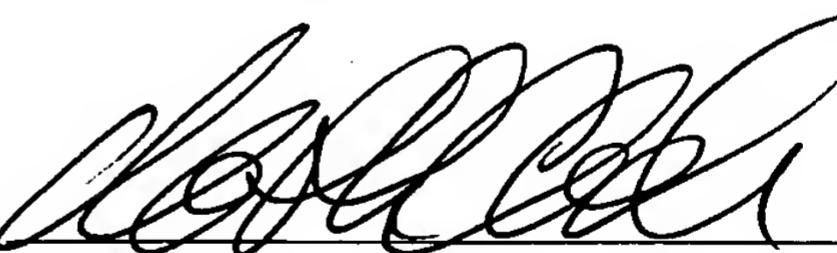
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

9/3/04

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